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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 PAUL J. GAYNOR,

15 Plaintiff,

16 v.

17 AHMAD CHATILA, an individual and
BRIAN WUEBBELS, an individual,

18 Defendants.
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CASE NO. 3:16-cv-06305-WHO

**STIPULATION TO CONTINUE THE
INITIAL CASE MANAGEMENT
CONFERENCE AND HEARING ON
PENDING MOTIONS UNTIL RESOLUTION
OF MDL TRANSFER ORDER AND
ORDER**

Action Filed: November 1, 2016

1 Pursuant to Rule 16 of the Federal Rules of Civil Procedure and Civil Local Rules 7-12 and
2 16-2, the undersigned counsel of record for Plaintiff Paul J. Gaynor and Defendants Ahmad Chatila
3 and Brian Wuebbels jointly stipulate and agree as follows:

4 WHEREAS, the Court originally set an Initial Case Management Conference for February 21,
5 2017 (ECF No. 15);

6 WHEREAS, due to a scheduling conflict, the Court continued the Initial Case Management
7 Conference to April 5, 2017 (ECF No. 43), concurrent with hearing on Defendant Chatila's Motion to
8 Dismiss Complaint for Damages (ECF No. 29), Defendant Chatila's Anti-SLAPP Motion to Strike
9 Plaintiff's Defamation Claim (ECF No. 30) and Defendant Wuebbels' Motion to Dismiss Complaint
10 for Damages (ECF No. 39) (collectively, the "Pending Motions");

11 WHEREAS, the Court then continued the Initial Case Management Conference and hearing
12 on the Pending Motions to May 31, 2017, in order to provide the Plaintiff with an additional
13 opportunity to respond to Defendant Wuebbels' Motion to Dismiss after Plaintiff inadvertently did
14 not substantively respond to that motion (ECF No. 49);

15 WHEREAS, on May 9, 2017, the United States Judicial Panel on Multidistrict Litigation
16 issued a Conditional Transfer Order in connection with *In re: SunEdison, Inc., Securities Litigation*,
17 MDL No. 2742, conditionally ordering the transfer of the jurisdiction of this action to the United
18 States District Court for the Southern District of New York for coordinated or consolidated pretrial
19 proceedings pursuant to 28 U.S.C. § 1407 on the grounds that this action "involve[s] questions of fact
20 that are common to the" twenty-five actions "previously transferred to the Southern District of New
21 York" (MDL No. 2742 ECF No. 2);

22 WHEREAS, on May 16, 2017, Plaintiff filed a Notice of Opposition to the Conditional
23 Transfer Order with the Clerk of the MDL Panel (MDL No. 2742 ECF No. 191);

24 WHEREAS, Plaintiff has until May 30, 2017 to file a Motion to Vacate the Conditional
25 Transfer Order ("Motion to Vacate") and any responses to the motion to vacate are due on or before
26 June 19, 2017 (MDL No. 2742 ECF No. 192);
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1 WHEREAS, the MDL's first hearing date following the scheduled completion of briefing on
2 Plaintiff's Motion to Vacate is July 27, 2017 (*see* Hearing Information,
3 <http://www.jpml.uscourts.gov/hearing-information> (last visited May 15, 2017));

4 WHEREAS, the Conditional Transfer Order will not be resolved before the May 31, 2017
5 hearing on the Pending Motions and Initial Case Management Conference; and,

6 WHEREAS, because this Court may lose jurisdiction over this action if Plaintiff's Motion to
7 Vacate is denied, the parties have conferred and agree that, in the interest of judicial efficiency and
8 economy, the hearing on the Pending Motions and the Initial Case Management Conference currently
9 set for May 31, 2017, should be continued so that the Conditional Transfer Order may be resolved
10 before hearing on the Pending Motions and the Initial Case Management Conference.

11 THEREFORE, IT IS STIPULATED AND AGREED THAT the parties jointly request that
12 the Court continue the May 31, 2017 hearing on the Pending Motions and Initial Case Management
13 Conference until September 6, 2017, or a date thereafter convenient to the Court.

14
15 Dated: May 16, 2017

LOUDERBACK LAW GROUP

16
17 By: /s/ Stacey L. Pratt

Charles M. Louderback
Stacey L. Pratt

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19 Attorneys for Plaintiff PAUL J. GAYNOR

20
21 Dated: May 16, 2017

GIBSON, DUNN & CRUTCHER LLP

22
23 By: /s/ Sarah Zenewicz

Joel M. Cohen
Gabrielle Levin
Sarah Zenewicz

24
25 Attorneys for Defendant AHMAD CHATILA

1 Dated: May 16, 2017

MUNGER, TOLLES & OLSON LLP

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3 By: /s/ Jessica Reich Baril

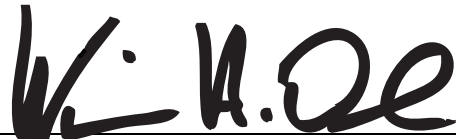
4 E. Martin Estrada
5 Jessica Reich Baril

6 Attorneys for Defendant BRIAN WUEBBELS

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8 **ORDER**

9 Pursuant to the parties' stipulation, IT IS SO ORDERED. The Initial Case Management
10 Conference and hearing on the Pending Motions are continued to Sept. 6, 2017, at _____
11 2:00 p.m.

12 Dated: May 17, 2017

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14 The Honorable William H. Orrick
15 United States District Judge
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